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State Board Eyes Fire Fee Once Again

By MICHAEL GARDNER

SACRAMENTO — The state has unveiled another new fire fee plan — one more in a series of proposals that have yet to pass muster either legally or in the court of public opinion.

The latest draft released Tuesday maintains a base \$150 annual fee on homes in rural areas, including an estimated 73,000 in San Diego County that are within what's called "state responsibility areas" defended by Cal Fire.

But the new incarnation that goes before the state Board of Forestry and Fire Protection Jan. 11 seeks to clarify several provisions that had confounded San Diego County officials and homeowners alike.

For example, the revisions would impose a \$150 fee on duplexes. Parcels with two different single-family homes would be charged a combined \$300, however.

Also, the proposed regulation amends the definition of habitable structure, which determines who pays how much. For example, there had been some ambiguity, pointed out by San Diego County, that the previous wording left open the possibility that each jail cell and hospital room could be subject to the fee as a "habitable structure." Instead, the state would bill each jail or hospital a flat \$150.

Preliminary estimates indicate that San Diego County homeowners could cumulatively have to pay about \$10 million annually. However, one measure of relief remains intact. The draft maintains a \$35 credit for property already within a separate fire protection district, which would lower the yearly bill to \$115.

Nevertheless, legal challenges are expected once the bills are mailed. Gov. Jerry Brown said he remains firmly behind the fee, adopted as part of majority votes by Democrats on the budget last year, despite its legal complications and steady stream of protest.

"To me it's just simple. People need to share the burden of the benefits they receive. That's the principle," Brown said recently.

But many say they see only costs and little benefit. The money will be steered to fire prevention programs such as brush clearing and education — not for firefighters or new engines. That's because fees must provide a direct benefit to those who pay. Broader funding for general fire protection is considered a tax and subject to a two-thirds vote requirement in the Legislature. Republicans have balked at new taxes.

Talma Peterson, who lives in the Crest area of San Diego County, contends the fee amounts to triple taxation when counting property tax and a \$300 local fire protection district assessment.

"This appears to be a triplicate tax which is unduly harsh," Peterson told the board in an email.

Brown said he is aware of the frustration. "I'd be glad to look at some of the details as we rewrite the regulations," Brown said last month.

But this latest draft makes no adjustments for those already paying into a fire protection district beyond the \$35 credit adopted several weeks ago.

In a related development, the state Board of Equalization on a 3-1 vote in December agreed to process the bills and collect the money once the state settles on who will have to pay how much. The board will collect \$3.3 million from the forestry board to do the billing.

Board of Equalization member Michelle Steel, a Republican who represents San Diego County, cast the lone no vote. She said she could not bring herself to vote for a contract to collect what she considers an "illegal tax."

"It got voted out of the Legislature with just a simple majority. That's not right," Steel said in an interview, referring to the budget bill authorizing the fee.

Steel questions collecting so much money for prevention and education. "Give me a break. It's not like we're adding more firefighters or buying new equipment," she said. The forestry board has twice passed regulations, only to run into implementation roadblocks. Brown rejected an earlier version that sought a \$90 base fee, but included a confusing number of credits, because it didn't raise enough money.

In response, the forestry board retooled the regulation, only to be thwarted by the independent Office of Administrative Law, which reviews various regulation for compliance with various state codes. It raised several objections last month, forcing the forestry board to try again.